

10/523809

Due Date **February 8, 2005**

CSMM&N File No. 265519US2PCT

By MJS/iv/FF

Serial No. New U.S. PCT Application based on PCT/JP03/10168

In the matter of the Application of Satoshi OHKAWA, et al.

For IMAGE DATA PROCESSING APPARATUS, IMAGE DATA PROCESSING METHOD, PROGRAM, RECORDING MEDIUM, AND IMAGE READING APPARATUS

The following has been received in the U.S. Patent Office on the date stamped hereon:

- 72 pgs. Specification 33 Claims (English Translation)
- Combined Declaration, Petition & Power of Attorney (5 pages)
- Application Data Sheet
- Notice of Priority
- Dep. Acct. Order Form
- Credit Card Payment Form for \$3,550.00
- Drawings (22 sheets)
- PCT Transmittal Letter
- Preliminary Amendment
- PCT/IB/308
- Information Disclosure Statement
- PTO-1449
- Cited References (5)
- Statement of Relevancy
- International Search Report
- Letter Submitting Replacement Drawing Sheets (pages 18/22 & 20/22)



SERIAL NO. _____

DATE RECEIVED _____

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371****265519US2PCT**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.
PCT/JP03/10168INTERNATIONAL FILING DATE
8 August 2003PRIORITY DATE CLAIMED
8 August 2002 earliest**TITLE OF INVENTION****IMAGE DATA PROCESSING APPARATUS, IMAGE DATA PROCESSING METHOD, PROGRAM, RECORDING MEDIUM,
AND IMAGE READING APPARATUS****APPLICANT(S) FOR DO/EO/US****Satoshi OHKAWA et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include Items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

Application Data Sheet

Notice of Priority

Drawings (22 sheets)

PCT/IB/308

Letter Submitting Replacement Drawing Sheets (pages 18/22 & 20/22)

Form PTO-1449

Statement of Relevancy

Reference Cited (5)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/JP03/10168		ATTORNEY'S DOCKET NUMBER 265519US2PCT	
24. The following fees are submitted:				Applicant use	Office use
<input checked="" type="checkbox"/> a) Basic national fee \$300.00				\$ 300.00	
<input checked="" type="checkbox"/> b) Examination fee \$200.00				\$ 200.00	
<input checked="" type="checkbox"/> c) Search fee \$400.00				\$ 400.00	
TOTAL OF ABOVE CALCULATIONS = \$900.00				\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	/50 =		x \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	49 - 20 =	29	x \$50.00	\$ 1,450.00	
Independent claims	9 - 3 =	6	x \$200.00	\$ 1,200.00	
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 3,550.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 0.00	
SUBTOTAL =				\$ 3,550.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 3,550.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 3,550.00	
Amount to be refunded:				\$	
Amount to be charged:				\$	
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is _____ c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>15-0030</u> . A duplicate copy of this sheet is enclosed. d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO: Customer Number 22850					
				SIGNATURE Marvin J. Spivak	
				NAME 24,913	
				REGISTRATION NUMBER	

applicability, as defined in PCT Article 33(1) to (4), have been satisfied for all of the claims presented in the application entering the national stage; and (2) the examination fee for an international application entering the national stage under 35 U.S.C. 371 is \$200.00 (\$100.00 for a small entity) in all other situations.

Section 1.496: Section 1.496 is amended to revise its references to § 1.492 to reflect the changes in § 1.492.

Rule Making Considerations

Administrative Procedure Act: Pursuant to its authority under 35 U.S.C. 376(b), the Office has reduced the patent fees set forth in § 1.492 to less than the amount specified in 35 U.S.C. 41. Existing rights and obligations are not otherwise changed. The Office has good cause to implement this fee reduction without prior notice and comment. It is in the public interest to immediately implement the reduced search and examination fees because delay in the adoption of these fee reductions would cause harm to those applicants who currently meet the conditions for entitlement to a fee reduction. Without immediate implementation, applicants who are currently filing search and examination fees in order to avoid abandonment of their applications will be unnecessarily paying higher search and examination fees. The Office believes the public wants these new reduced fees to become effective as soon as possible as the public should benefit from the efficiencies and savings resulting therefrom. In addition, the Office believes that prior notice and comment is unnecessary because it does not expect the public to object to the reduction of search and examination fees. Moreover, the Office does not believe the public needs time to conform its conduct so as to avoid violation of these regulations. In order to give the public the immediate benefit of the Office's decision to reduce specified search and examination fees, the Office finds, pursuant to the authority provided at 5 U.S.C. 553(b)(3), good cause to adopt this change without prior notice and an opportunity for public comment, as such procedures are contrary to the public interest. See *Nat. Customs Brokers & Forwarders Ass'n v. U.S.*, 59 F.3d 1219, 1223-24 (Fed. Cir. 1995).

Nothing in this or any other law requires delayed implementation of the fee reductions. 35 U.S.C. 41(g) provides that: "[n]o fee established by the Director under [35 U.S.C. 41] shall take effect until at least 30 days after notice of the fee has been published in the

Federal Register and in the Official Gazette of the Patent and Trademark Office." Since the reduced search fees and examination fees specified in §§ 1.492(b) and (c) are established by the Office on the basis of the Office's authority under 35 U.S.C. 376(b) (rather than the authority in 35 U.S.C. 41), the thirty-day advance publication requirement of 35 U.S.C. 41(g) does not apply to the reduced search fees and examination fees specified in § 1.492(b) and (c).

Accordingly, the changes in this interim rule may be adopted without prior notice and opportunity for public comment under 5 U.S.C. 553(b) and (c), or thirty-day advance publication under 5 U.S.C. 553(d) or 35 U.S.C. 41(g).

Regulatory Flexibility Act: As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law), neither a regulatory flexibility analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are required. See 5 U.S.C. 603.

Executive Order 13132: This rule making does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

Executive Order 12866: This rule making has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

Paperwork Reduction Act: This interim rule involves information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this interim rule has been reviewed and previously approved by OMB under the following control number: 0651-0021. The Office is not resubmitting an information collection package to OMB for its review and approval because the changes in this interim rule do not affect the information collection requirements associated with the information collection under this OMB control number.

Interested persons are requested to send comments regarding this information collection, including suggestions for reducing this burden, to Robert J. Spar, Director, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, 725 17th Street, NW., Room 10235, Washington, DC 20503,

Attention: Desk Officer for the United States Patent and Trademark Office.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of Information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

□ For the reasons set forth in the preamble, 37 CFR part 1 is amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

□ 1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2).

□ 2. Section 1.492 is amended by revising paragraphs (b) and (c) to read as follows:

§ 1.492 National stage fees.

(b) Search fee for an international application entering the national stage under 35 U.S.C. 371 if the basic national fee was not paid before December 8, 2004:

(1) If the search fee as set forth in §§ 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:

By a small entity (§ 1.27(a))	\$50.00
By other than a small entity	\$100.00

(2) If an international search report on the international application has been prepared and is provided to the Office no later than the time at which the search fee is paid:

By a small entity (§ 1.27(a))	\$200.00
By other than a small entity	\$400.00

(3) In all situations not provided for in paragraphs (b)(1) or (b)(2) of this section:

By a small entity (§ 1.27(a))	\$250.00
By other than a small entity	\$500.00

(c) The examination fee for an international application entering the national stage under 35 U.S.C. 371 if the basic national fee was not paid before December 8, 2004:

(1) If an international preliminary examination report on the international application prepared by the United States International Preliminary Examining Authority states that the

United States Patent & Trademark Office
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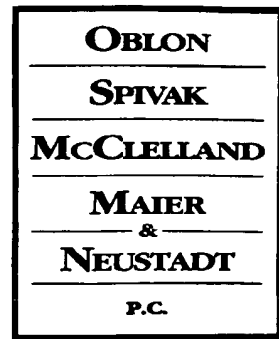
Credit Card Information	
Credit Card Type: <input checked="" type="checkbox"/> American Express	
Credit Card Account #: 3787-399692-31007	
Credit Card Expiration Date: December 31, 2005	
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Daytime Phone #: (703) 413-3000 Accounting Dept.	Fax #: (703) 413-2220
Request and Payment Information	
Description of Request and Payment Information: New U.S. PCT application	
Application No.:	
Patent/Registration No.:	
Docket No.: 265519US	

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March 14, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE
Box 16
Washington, DC 20231

Attn: Frank Lebron
Refund Department

ATTORNEYS AT LAW
KATHLEEN A. MORSBERGER
CONTROLLER
(703) 412-6494
KMORSBERGER@OBLON.COM

Re: Deposit Account #150030

Dear Mr. Lebron

Enclosed is a copy of a portion of our Deposit Account Statement of February, 2005. Please review the highlighted charge on Serial Number 10/523,809 in the amount of \$100.00 on fee code #1614.

Since all claims were paid for at the time the application was filed including payment for 9 extra independent claims, the charge on our deposit account must be for the search fee which was recently decreased from \$500.00 to \$400.00.

In accordance with the rule change of February 1, 2005, Title 37 CFR Part 1, Section 1.492 (copy attached), "the search fee for an international application entering the national stage ... is \$400.00 ..." Therefore the \$400.00 search fee (not the old fee of \$500.00) is correct and a refund should be issued for the extra \$100.00 charged on our deposit account.

Please review this application and kindly refund \$100.00 to deposit account #150030. Copies of the appropriate paperwork are attached. If you have any questions, please contact Debbie Noel at (703) 412-6296. Thank you for your assistance.

Sincerely,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Debra J. Noel

Debra J. Noel
Accounting Department

Refund Ref:
05/12/2005

0030021811

Credit Card Refund Total: \$100.00
Enclosures

Am Exp.: XXXXXXXXXXXX1007

Adjustment date: 05/12/2005 RWHITE1
02/16/2005 GFREY1 00000126 10523809
02 FC:1632 -500.00 OP

05/12/2005 RWHITE1 00000010 10523809

01 FC:1642

400.00 OP

8/10



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Page**Deposit Account Statement**

Requested Statement Month: February 2005
 Deposit Account Number: 150030
 Name: NORMAN F. OBLON
 Attention:
 Address: 1940 DUKE STREET
 City: ALEXANDRIA
 State: VA
 Zip: 22314

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/01	78	10503936	256748US6PCT	1201	\$2,000.00	\$16,574.71
02/01	79	10503936	256748US6PCT	1202	\$350.00	\$16,224.71
02/01	192	10880101	254622WO/TEP/FF	8007	\$20.00	\$16,204.71
02/01	245	60584469	255455US/KQU	8007	\$60.00	\$16,144.71
02/01	342	60538457	248191USUS/KQU	8007	\$20.00	\$16,124.71
02/01	343	60559950	251700US/KQU	8007	\$20.00	\$16,104.71
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02/02	6	10940012	258658US25CONT	1202	\$200.00	\$15,724.71
02/02	262	60573420	253699US/KQU	8007	\$40.00	\$15,684.71
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02/10 2	P110116		1463	\$70.00	\$31,619.71
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02/10 141	10500863	255939USPCT	1617	\$130.00	\$31,439.71
02/11 1	10419849	236940US90	1251	\$120.00	\$31,319.71
02/11 31	PCT/US03/16209 224317WO		9204	-\$10.00	\$31,329.71
02/11 74	PCT/US03/45392 218216WO		9204	-\$60.00	\$31,389.71
02/11 76	PCT/US03/45391 222038WO		9204	-\$60.00	\$31,449.71
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02/15 12	10367706	232794US3	1201	\$600.00	\$27,537.71
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02/16 3	10685599	243712US2S DIV	1251	\$120.00	\$27,037.71
02/16 8	09748243	201216US2	1806	\$180.00	\$26,857.71
02/16 25	11023486	263965US0DIV	1203	\$360.00	\$26,497.71
02/16 53	10986205	261023US/KQU	8007	\$20.00	\$26,477.71
02/16 412	10523919	264737USOPCT	1633	\$100.00	\$26,377.71
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02/16 442	10523931	265206USOPCT	1614	\$100.00	\$25,977.71
02/16 446	10523809	265519US2PCT	1614	\$100.00	\$25,877.71
02/16 456	10523807	259826US2PCT	1633	\$100.00	\$25,777.71
02/16 466	10523927	264288US0PCT	1633	\$100.00	\$25,677.71
02/16 471	10523925	264744US0PCT	1633	\$100.00	\$25,577.71
02/17 11	76129195	197365US	9204	-\$100.00	\$25,677.71
02/17 14	10523995	265078US0PCT	1633	\$100.00	\$25,577.71
02/17 49	11028539	264201US0DIV	1081	\$750.00	\$24,827.71
02/17 100	60584469	255455US/KQU	8007	\$60.00	\$24,767.71
02/17 106	60565842	252514US/KQU	8007	\$20.00	\$24,747.71

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND														
1 Date of Request: <u>3/14/05</u>		2 Serial/Patent # <u>10/523809</u>												
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT										
<input checked="" type="checkbox"/>	Filing <u>Fee Change</u>			\$ <u>100.00</u>										
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<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$										
<input type="checkbox"/>	Maintenance			\$										
<input type="checkbox"/>	Assignment			\$										
<input type="checkbox"/>	Other			\$										
		7 TOTAL AMOUNT OF REFUND		\$ <u>100.00</u>										
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		Treasury Check												
		Credit Deposit A/C #:												
		9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>												
10 REASON:														
<input checked="" type="checkbox"/>	Overpayment													
<input type="checkbox"/>	Duplicate Payment													
<input type="checkbox"/>	No Fee Due (Explanation):													
11 REFUND REQUESTED BY:														
TYPED/PRINTED NAME: <u>Rita White</u>		TITLE: <u>Legal Assistant/Examiner</u>												
SIGNATURE: <u>Rita White</u>		PHONE: <u>7/308-9140 ext. 231</u>												
OFFICE: <u>DO/EO</u>														
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****														
APPROVED: _____		DATE: _____												

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: